

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
2006 Quadrennial Regulatory Review –)	MB Docket No. 06-121
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	MB Docket No. 02-277
2002 Biennial Regulatory Review – Review)	
of the Commission’s Broadcast Ownership)	
Rules and Other Rules Adopted Pursuant to)	
Section 202 of the Telecommunications Act)	
of 1996)	MM Docket No. 01-235
)	
Cross-Ownership of Broadcast Stations and)	
Newspapers)	MM Docket No. 01-317
)	
Rules and Policies Concerning Multiple)	
Ownership of Radio Broadcast Stations in)	
Local Markets)	MM Docket No. 00-244
Definition of Radio Markets		

Comments of the National Association of Hispanic Journalists

National Association of Hispanic Journalists
529 14th St. NW., Suite 1000
Washington, D.C. 20045
202-662-7143

October 23, 2006

Table Of Contents

1. NAHJ's Involvement in FCC Policy	p. 3
2. Recent Events Concerning NAHJ	p. 7
3. Advocating for Our Own Cause	p. 9
4. Appealing to the Government	p. 12
5. Conclusion	p. 16

Attachments

Comments by the National Association of Hispanic Journalists

The National Association of Hispanic Journalists is a membership association based in Washington, D.C. The mission of the association is to increase the number of Latino journalists working in our nation's newsrooms and to improve news coverage of the Latino community.

Founded in 1984, the association currently has more than 2,000 members working for English- and Spanish-language media outlets across the country. In addition, the association has 13 chapters, including four student chapters.

In recent years, NAHJ has voiced its concern over efforts by the FCC to rewrite our nation's broadcast ownership regulations, and the impact of media consolidation on minority ownership and communities of color.

NAHJ's Involvement in FCC Policy

NAHJ submits the following comments because it is concerned about the future of minority broadcast ownership. People of color currently make up 33 percent of the U.S. population and are projected to make up 50 percent by 2050. This projection will likely be realized much sooner given the dramatic demographic changes taking place in our nation. In fact, many of the nation's largest cities, such as Los Angeles and New York, have populations that are deemed "majority minority."

Despite these historic changes, the future of minority broadcast ownership is in jeopardy and will be until the FCC implements new regulations to foster its growth. NAHJ is calling on the FCC to stop its current rulemaking procedure until it implements regulations to increase minority broadcast ownership. We believe further media consolidation will occur at the expense of minority owners and people of color.

In January 2003, NAHJ weighed in on the FCC's effort to loosen our nation's broadcast ownership rules. NAHJ submitted comments to the FCC expressing its concern about the commission's plan to rewrite the ownership rules without first considering the impact of these changes on communities of color, minority ownership and on the journalism profession.

The NAHJ board passing a resolution in February 2003 calling on the FCC to postpone issuing new ownership regulations until the commission held a series of public hearings nationwide that allowed for the maximum possible public input into the agency's deliberations.

Two years later, the NAHJ board passed a resolution in June 2005 that stated: "The National Association of Hispanic Journalists, in supporting a diversity of viewpoints and increased minority ownership of print and broadcast media outlets, opposes further deregulation of broadcast ownership by the FCC. We believe weakening those ownership rules threatens opportunities for minority owners and restricts a meaningful diversity of

viewpoints. We cannot support changes in the rules unless those issues are adequately addressed.”

This year, NAHJ sent a letter to U.S. Department of Commerce Secretary Carlos Gutierrez in April 2006 inquiring why the National Telecommunications and Information Agency had not conducted a minority ownership study since 2000.

The NTIA, an agency within the Commerce Department, issued its first minority ownership report in 1990. The agency released several more reports throughout the next 10 years. Its last report in December 2000 found that only 3.8 percent of all full-power broadcast stations in the country were owned by people of color and that media consolidation threatened the future of minority ownership.

NTIA acting assistant secretary, John M.R. Kneuer, responded to NAHJ’s April letter saying the agency had no plans to conduct another study. He suggested that NAHJ examine the ownership reports filed annually with the FCC to review the current data on minority ownership.

NAHJ issued a statement saying it was disappointed that the agency had not conducted another study and was concerned that the FCC was going to consider changing the ownership rules without having the latest information on the current state of minority ownership.

The public interest group Free Press was also concerned. It decided to conduct its own study after learning of NTIA's response to NAHJ's letter. The group examined more than 1,300 ownership reports for TV stations filed with the FCC and released a report on Sept. 20, 2006 that found:

- Minorities only own a total of 44 stations, or 3.26 percent of all TV stations.
- Markets that added minority owned stations since 1998 are also significantly less concentrated than those that did not add minority owned stations, even if market characteristics are held constant.
- Minorities own just 13 of the 847 "big four" network-affiliated stations, or 1.5 percent of the total.
- Despite being nearly shut out of the big network affiliate market, minority owners still manage to produce local news content at levels that are equal to or exceed their non-minority counterparts.

In addition, Free Press learned during its research that the FCC does not closely monitor the ownership reports it receives annually. Many of these reports contained incorrect ownership information. Free Press had to verify the accuracy of the ownership reports before it was able to release the study.

The report released by Free Press in 2006 is the first accurate study of minority and female TV ownership. While Free Press was able to study the racial, ethnic and gender make up TV station owners, it could not do the same for radio. The group does not have the resources to study who owns the more than 11,000 radio stations in the country. NAHJ calls on the FCC to conduct such a study before considering changes to the broadcast ownership rules.

As a result of NAHJ's letter to the NTIA, the Congressional Hispanic Caucus wrote to Sen. Bill Frist (R-Tenn.) and Sen. Harry Reid (D-Nevada) on Sept. 28, 2006 urging the Senate to delay the nomination of John M.R. Kneuer to assistant secretary for the NTIA until the agency agreed to conduct another minority ownership study.

The NAHJ board passed a motion during its October 2006 board meeting that strengthened its opposition to media consolidation. The motion stated: The National Association of Hispanic Journalists, in supporting a diversity of viewpoints and increased minority ownership of print and broadcast media outlets, opposes further deregulation of broadcast ownership by the FCC. We believe, as it has been documented in recent research, weakening those ownership rules threatens opportunities for minority owners and restricts a meaningful diversity of viewpoints.

NAHJ also co-sponsored a town hall meeting in New York City on Oct. 19, 2006, with FCC commissioner Michael Copps and Jonathan Adelstein that focused on the future of diversity in the media industry. More than 400 people attended to voice their opposition to media consolidation.

Recent Events Concerning NAHJ

NAHJ is alarmed by the recent news reports about two studies that the FCC never released during the 2003 ownership proceeding. It is reported that the studies were never

released because they contradicted the regulatory intention of the former FCC Chairman Michael Powell. We understand current FCC Chairman Kevin Martin has called for an investigation.

We are concerned that the FCC, an independent government regulatory agency, may not have acted in behalf of the public interest needs of the American people.

NAHJ is also concerned by the layoffs that have occurred across the media industry. The recent announcement by NBC Universal, however, is extremely alarming, and it should alarm the commission as well.

NBC announced that it plans to eliminate 700 positions. As part of its plan, NBC intends to dissolve six local Telemundo news offices in major cities: Houston, San Antonio, Denver, Dallas, Phoenix and San Jose. The company reportedly plans to produce local, regional and national news out of an office in Fort Worth, Texas and distribute it to Telemundo stations across the country.

This is unacceptable to NAHJ and we believe it should be unacceptable to the FCC. It goes against the promises NBC made to the commission and the public when it purchased Telemundo. NBC promised to improve local and national news for the Spanish-speaking community. As an association of journalists who are Latino, we can tell you that it is not possible to strengthen local news when the news is not produced in the same city. We believe the FCC would not accept what NBC is attempting to pull off if it involved the

company's English-language stations and newscasts. It should not be accepted for Telemundo stations.

We believe what is happening at NBC and Telemundo is in part a result of consolidation. The public interest obligations toward the community, particularly communities of color, are not being well served. Instead, consolidation helps big media companies meet their bottom-line demands. We are not opposed to companies earning a healthy profit. But when major companies use the public airwaves to increase their profits at the expense of the public interest, we have to take a stand for the public interest.

Advocating for Our Own Cause

We believe it is important to review history to understand that people of color have advocated for greater representation and fair coverage in the mass media for 200 years, yet the issue of underrepresentation of minorities in the media remains unresolved.

In 1827, John Russwurm and Rev. Samuel Cornis founded the first African-American newspaper that was published in New York City called *Freedom's Journal*. In the paper's inaugural issue, they provided the following reason for establishing the paper:

"We wish to plead our own cause. Too long have others spoken for us...From the press and the pulpit we have suffered much by being incorrectly represented."

Unfortunately, this quote is still relevant today. Communities of color still wish to plead their own cause. NAHJ can provide the commission with 200 years worth of examples of how communities of color have suffered as a result of the press coverage they received from a white-controlled press.

For much of our nation's history, the press has had a hostile relationship with communities of color. We can cite examples of overt racism in press coverage to demonstrate how harmful this coverage has been on communities of color. For example, many newspapers in the country, at one time, supported lynching African Americans, as well as the removal of our country's indigenous populations from their land.

While overt examples of racist media coverage are not as plentiful today, there are still plenty of examples of coverage that inaccurately, and sometimes detrimentally, portray people of color. Too often, media coverage portrays people of color stereotypically in negative terms, which provides the general public with an inaccurate perception of our communities.

For example, each year NAHJ documents network news coverage of the Latino community. On October 19, 2006, NAHJ released its 11th annual *Network Brownout Report*, which found out of an estimated 12,600 stories that aired on the network evening news in 2005, only 105, or 0.83 percent, were about Latinos.

From the inception of the study, stories about Latinos have made up less than 1 percent of network news coverage annually. Coverage of Latinos tends to be stereotypical. The two most dominant themes of news coverage of Latinos over the years have been undocumented immigration and crime. NAHJ believes these stereotypical images, without a broader and more complete perspective of Latino contributions to American society, harm our community.

Additionally in June 2006, NAHJ and Arizona State University's Walter Cronkite School of Journalism and Mass Communication released a study that examined coverage of Latinos by *Time*, *Newsweek*, and *U.S. News & World Report*.

These three magazines, like the news networks, play a critical role in defining the national news agenda.

The report found that out of 1,547 total stories published in 2005 by these three magazines, only 18 stories (1.2 percent) were predominantly about Latinos. In addition, out of these 18 stories, 12 focused solely on the topic of immigration.

In the press release about the magazine study, NAHJ President Rafael Olmeda said "If these magazines help reflect and project an American agenda, they have a way to go before they can honestly say Hispanics are a part of it."

What is frustrating for our association is that the very media companies that have historically marginalized or stereotypically covered communities of color stand to benefit from further media consolidation.

Appealing to the Government

The FCC has a long history of neglecting and marginalizing issues affecting minority ownership and the impact of FCC policies on communities of color.

Even though the federal government has regulated the public airwaves for almost a century, people of color remain underrepresented in ownership, programming and employment opportunities in the broadcast industry.

In 1931, the NAACP and the *Pittsburgh Courier* began a campaign to remove the radio program, *Amos n' Andy*, from the air. *Amos n' Andy* was one of the most popular programs in radio history. The program aired on NBC's Blue Network and depicted African Americans as lazy buffoons and con-artists. Two white men portrayed the title characters in black face.

The show offended many in the nation's black community. The NAACP and the *Pittsburgh Courier* submitted 720,000 petitions to the Federal Radio Commission (predecessor to the FCC) to get the program removed from the air. In addition, the

NAACP asked the FRC to hold a hearing on their petition. The NAACP never received a response despite the massive public outcry.

During the 1950s and 1960s, the FCC failed to deal with overt racism that existed at WLBT-TV in Jackson, Mississippi. The station had a history of running racist programs that editorialized against integration, including airing paid advertisement of Jackson's White Citizen's Council. The station, however, refused the request of black leaders for equal time to respond to the opinions expressed by this hate group. The station even had a policy of making sure that African Americans were not referred to as Mr. and Mrs. on the air.

The United Church of Christ challenged the FCC's renewal of the station's license in federal court. In 1969, a federal court revoked the license. The ruling set a historic precedent because it found that citizens had legal standing before the FCC to challenge a broadcast license.

During the same period, the FCC was forced to deal with the lack of diversity in the nation's newsrooms as a result of the social unrest of the 1960s.

In 1967, President Lyndon Johnson formed a commission to examine the causes of riots by African Americans and Hispanics that took place in cities across the country. The Kerner Commission, named after Illinois Governor Otto Kerner, issued a report

criticizing the news media for its role in helping to add to the schism that existed in society.

“The absence of Negro faces and activity from media has an effect on white audiences as well as blacks. If what the white American reads in newspapers and sees on television conditions his expectation of what is ordinary and normal in the larger society, he will neither understand nor accept the black American. But failing to portray the Negro as a matter of routine in the context of the total society, the news media, we believe, contributed to the black-white schism in their country.”

The FCC issued equal employment opportunity regulations in 1969 that made it illegal for broadcasters to discriminate on the basis of race, color or national origin. The rules adopted by the commission led to an increase in the make up of people of color working in the newsrooms of local broadcast outlets. The rules called for broadcast stations to reflect the communities they serve.

But in the late 1990s, a federal court found the EEO rules unconstitutional. The FCC has since adopted new rules that no longer require a broadcast station to employ a work force that reflects the audience it serves. Since the court ruling, newsroom diversity at local TV stations has remained stagnant while declining at radio stations.

In 2000, journalists of color made up 21 percent of the newsroom work force working at local TV stations, according to an annual report of the Radio-Television News Directors

Association. That figure inched up to 22 percent by 2005. Meanwhile people of color make up 33 percent of the U.S. population.

In radio, the newsroom make up of journalists of color has dropped during the 2000-2005 time span from 8 percent to 6 percent, according to RTNDA. This is critical because communities of color still rely heavily on radio for their news and information. The immigration marches that took place across the country in recent months demonstrated the importance of radio to our community. Spanish-language DJs played a critical role informing the community about the impact of congressional legislation on our nation's immigrant population.

As the FCC considers eliminating the newspaper-TV cross-ownership ban, we want the agency to consider the poor record newspapers continue to have with diversifying their newsrooms.

People of color currently make up just 14 percent of all newsroom employees working at daily newspapers. About 40 percent of dailies do not employ a single journalist of color. The American Society of Newspaper Editors in 1978 adopted a goal that called for daily newspapers to reach racial and ethnic parity by 2000. But the organization had to push back its goal until 2025 because daily newspapers failed to come close to reaching parity.

NAHJ believes that increasing minority broadcast owners will improve newsroom diversity and coverage of communities of color.

But we are frustrated that the FCC currently has no policies in place to increase minority ownership. We urge the FCC not to ignore the success it had with policies it adopted in 1978 to foster more minority owners.

The policy with the greatest success was the FCC's tax certificate program. The program, which started in 1978, allowed companies to receive a tax break if they sold their stations to a company owned by a person of color. The program increased the number of minority broadcast station owners from 1 percent to 3 percent. But Congress revoked the tax certificate program in 1995.

We also remind the FCC not to ignore the federal court 2004 ruling in the Prometheus case that remanded the agency's attempt to rewrite several ownership rules. The court said that the commission had not considered the impact of its policies on minority ownership as well as proposals to increase it.

We are concerned that the commission has not addressed the court's concerns in the current proceeding. Meanwhile, the number of minority owners continues to decline.

Conclusion

We want to remind the commission that the public owns the airwaves. While the commission discusses how to create rules that reflect the needs of the changing media landscape, we believe the greatest challenge facing the FCC is creating regulations that

address the historic exclusion of people of color from ownership and ensures that broadcast regulations serve the public interest, convenience and necessity of all its citizens.

Increasing minority broadcast ownership is critical to increasing greater diversity of viewpoints, a cornerstone of FCC policy. NAHJ believes that increasing minority ownership will provide additional employment opportunities for people of color as well as programming about communities of color. We also believe it is also important for the general public to learn more about communities of color. Everyone in society benefits from increasing viewpoint diversity as a result of fostering greater minority ownership.

But we remain concerned that the FCC continues to fail to address how to increase minority ownership. Until then, NAHJ opposes efforts by the FCC to loosen our nation's ownership rules.

###